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STATE FOR EB/TRA, EUR/WE, EUR/ERA, AND S/CT
DHS FOR U/S BEARDSWORTH, TSA-INTL AFFAIRS-DTIEDGE
BRUSSELS FOR TSA

E.O. 12958: N/A

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SUBJECT: FRANCE: DHS ACTING U/S BEARDSWORTH MEETS
OFFICIALS ON PNR DATA AND NO-FLY ISSUES

REF: PARIS 4921

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1. (SBU) Summary. In his meetings with French officials, U/S Beardsworth highlighted the positive uses of Passenger Name Record (PNR) data and engendered an appreciation of how PNR data can help advance our mutual interest of denying terrorists freedom to travel while protecting privacy and facilitating the legitimate movement of people and goods. U/S Beardsworth also responded to French concerns about the No-Fly system, pointing to its overall success and committed to take steps to improve the communications and processes in place with respect to French No Fly situations. End Summary

2. (SBU) In addition to meeting with Ambassador Stapleton and members of the country team, Department of Homeland Security (DHS) Acting Under Secretary for Border and Transportation Security Randy Beardsworth met with French officials in Paris July 20, 2005. U/S Beardsworth attended two separate meetings, the first hosted by the Secretariat Gnrale de la Defense Nationale (SGDN) with officials primarily from SGDN and the Ministry of Interior (MOI); the second with Claude Gueant, MOI Chief of Cabinet. The meeting at the SGDN, the Prime Minister's coordinating body for national defense and counter-terrorism, included the following officials: Francis Delon, SGDN Secretary General; Jerome Leonnet, the PM's Technical Counselor for Security (SGDN); Col. Gratien Maire, the PM's Deputy Director of Military Affairs(SGDN); Eric Lebedel, Director of International and Strategic Affairs(SGDN); Alain Coursaget, Deputy Director of Protection and State Security(SGDN); Jean-Philippe Grelot, Counselor for Defense Affairs(SGDN); Col. Henri Schlienger, Protection and State Security(SGDN); Michel Gaudin, Director General of the National Police (MOI); Stephane Fratacci, Director of the Office of Public Liberties and Legal Affairs (MOI); Pierre Debue, Central Director of the Border Police (MOI); Christophe Chaboud, head of the Anti-Terrorist Co-Ordination Cell (MOI); Francois Darcy, head of the Office of International and European Affairs (MOI); Pascal-Jean Perron, Director of Economic and Financial Affairs (Ministry of Finance); Michel Wachenheim, Director General of Civil Aviation; and Paul Schwach, Director of Strategic and Technical Affairs, Civil Aviation.

3. (SBU) The most substantive discussions took place at the meeting hosted by the SGDN. The French began by a discussion of their anti-terrorist planning system, noting that they had raised the threat level after the London subway bombings. It consisted of five warning levels and a "toolkit" of around 500 measures that could be applied either globally or sector-specifically in response to threats. They were currently considering whether and when to change the warning level, and how to balance increased security against the extra costs and danger of creating complacency in the public. U/S Beardsworth described the U.S. system as very similar, and noted that the U.S. was grappling with the same kind of issues in setting its threat levels.

4. (SBU) U/S Beardsworth then described the recent re-organization of DHS as a result of its second-stage review process, which involved 18 working groups in 5 strategic areas: Preparedness, Border Control and Immigration, Transportation Security, Information Sharing, and Business Processes. He emphasized a number of changes that would lead to increased efficiency and coherence: the creation of a Director of Preparedness, a new Department level Policy office, and of a new Intelligence position reporting directly to the Secretary. He reassured the French officials that TSA would continue to have operational responsibility for transportation security issues.

5. (SBU) U/S Beardsworth began his presentation on PNR data by providing an overview of how it related to the No-Fly (NF) list, which is a compilation of individuals suspected

of having a terrorist nexus. He explained that PNR data is not used to populate the NF list, nor has it been used to divert aircraft. APIS data, a manifest of passengers traveling to the U.S., is checked against the NF list in determining potential diversions of aircraft. While APIS data is a highly successful tool for identifying known persons of interest, it does not identify those who are unknown. The PNR database develops relationships between these knowns and unknowns through common patterns and relationships between data elements. For example, the PNR database is able to red flag passengers who have a questionable travel itinerary or who paid for their travel through questionable sources.

16. (SBU) U/S Beardsworth pointed out how successful the No-Fly screening process has been overall. Of the 750 million passengers flying into or within the U.S., U/S Beardsworth noted that there were 202 "encounters" from the 30,000 names on the NF list, a sub-set of the 400,000 names on terrorist watch lists. Of the 202 cases, in 120 cases the individual did not board the aircraft. Of the remaining 82 who flew, DHS had reviewed its information and had downgraded the individual for that flight, allowing the flight to proceed. As for the remaining 28 cases, only eight resulted in diversion of the aircraft. Of those eight cases, six involved individuals the United States categorically did not want to be on board the aircraft. One case involved an individual in the unfortunate circumstance of having the same name and date of birth as a terrorist; and in the final case a passport known to be stolen and in use by terrorists was used - but in this case the rightful original holder was the passenger in question. U/S Beardsworth summarized that DHS had avoided flight diversions in all but a very few cases of grave concern.

17. (SBU) Michel Wachenheim, DGAC stated that the most recent NF diversion on July 8 of an Air France flight also raised a number of questions (Reftel): Why did it take so long to identify a problem with the passenger involved, since the U.S. had AMADEUS reservation data "days" ahead of time and three APIS transmissions before departure? What was the explanation for three Air France NF incidents in the past three months? What of the economic implications of repeated diversions of Air France flights? France wanted to respect its obligations under the NF system, but we needed to look at how it was being implemented, and to avoid wherever possible last-minute decisions to divert aircraft. He suggested that perhaps the U.S. and French intelligence services needed to share more information on NF nominees, especially since they could well pose a danger beyond air transportation.

18. (SBU) U/S Beardsworth replied that these were all excellent points. He elaborated that it was very important to share information to the maximum extent possible, and we had already agreed to provide the NF list to the French. We also needed to look at terrorist travel as a broader issue. Just as the international community works together to deny financial resources to terrorist organizations, so does the international community need to prevent terrorists from international travel without the appropriate scrutiny and oversight.

19. (SBU) SG Delon said that nonetheless the system had to be credible, and that he felt the image of Air France was at stake in these repeated diversions. U/S Beardsworth replied that he understood this concern, and that he was going to explore adopting special measures to help minimize future diversions of French flights, and to provide full and accurate information as quickly as possible in potential NF cases.

110. (SBU) Turning to PNR data, U/S Beardsworth discussed the ongoing case of a suspected cell of terrorists in Lodi, California. The case demonstrated that the unique aspects of the PNR database allowed for queries that uncovered key linkages between individuals that otherwise would not have been made, thus expanding the Joint Terrorism Task Force (JTTF) investigation. In response to the recent terrorist incident in London on July 7, a PNR database search was configured in a matter of hours that was tailored to identifying potential terrorists linked to those attacks. PNR data had also proved its worth identifying travel agencies with a history of facilitating the travel of those using lost or stolen passports, or other fraudulent documents.

111. (SBU) SG Delon said he fully understood the value of the database, but pointed out that it raised privacy concerns in European countries. U/S Beardsworth replied that he had recently met with EU parliamentarians to address these concerns, and that the U.S. was fully committed to the Undertakings, a set of agreements for data privacy measures agreed to by the U.S. and EU. These included various safeguards that have been built into the PNR database, such as filters and audit functions, that

ensure PNR data is protected from those without a need to see it. In fact, our rules offered a stronger system of protection than that available in many European countries. DGNP Gaudin for his part said the French police authorities looked on using PNR in France with "a favorable eye," provided issues of judicial supervision and privacy of data could be resolved.

¶12. (SBU) SG Delon said that it would be helpful to have more information in writing on how the U.S. system actually worked; there were many points that needed to be clarified on what data the USG wanted and how we would use it. In particular, more information on physical and electronic access, audit and tracability, and retention of records could help resolve European privacy concerns. Michel Wachenheim worried that providing PNR data would create an additional economic burden on French airlines, and might increase the number of potential no-fly cases. U/S Beardsworth replied that economic issues were indeed important, and that we were working to ease the burden on airlines by moving to a system of earlier transmission of APIS data, and by trying to encourage harmonization of EU and U.S. standards on PNR data. There was however no systematic link between PNR data and the no-fly system, or indeed to other law enforcement or intelligence databases.

¶13. (SBU) U/S Beardsworth said he would provide written material that would address SG Delon's questions, and suggested that the French might benefit from sending someone for a week in order to observe exactly how we use PNR data, as well as the effective implementation of protective safeguards for privacy of data. SG Delon thanked him for the offer, concluding that there was still much work to do to improve our cooperation on air security and anti-terrorism.

¶14. (SBU) In a separate meeting at the Ministry of the Interior, U/S Beardsworth discussed PNR issues with Claude Guant, Head of the Interior Minister's Cabinet. David Martinon, the Minister's Diplomatic Advisor was also present. He made the same points regarding PNR detailed in the paragraphs above. Mr. Guant commented that France was conscious of the changing nature of the terrorist threat: terrorists had moved to a more "industrial" organization that required new and more systematic tools than traditional investigative work could provide. Tracking travel was potentially of great interest in this respect.

¶15. (SBU) U/S Beardsworth replied that the U.S. was increasingly making a distinction between identifying people who were threats through intelligence, and screening larger numbers of people who could be worth interviewing because they might possess useful information. It was important to deny terrorists access to travel, he noted, as we are denying them access to financial resources. He emphasized his willingness to consider special arrangements if necessary to improve the handling of no-fly cases in France. He repeated his suggestion that the French consider sending a technical person to see how the PNR system worked in practice. Mr. Guant expressed interest in this idea.

¶16. (SBU) Mr. Guant also indicated that the French had recently decided to meet VWP deadlines for passports with digital photos, and that an e-passport would eventually follow. He also hinted that the ministry may have more ambitious plans, and might be looking at whether they could meet the October 2005 VWP deadline for beginning production of a passport with an electronic chip.

¶17. (SBU) Finally, in a short meeting with Air France Vice-President for External Relations Guy Tardieu, U/S Beardsworth responded to a number of concerns provoked by the latest no-fly diversion of an Air France flight. Tardieu emphasized that it was very important for Air France to avoid future diversions if possible, and wanted to work with TSA more intensively and at an earlier stage of the process. Air France's reputation was at stake, and the USG needed to be especially careful about public communication during diversions, so that Air France was not unfairly blamed. U/S Beardsworth reassured Tardieu that he would look into developing special measures to respond to his concerns. Tardieu suggested that more French-speaking TSA staff in France could be helpful. Air France had found

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direct communications with English-speaking staff at TSA's operations center difficult during flight diversions.

¶18. (U) Acting U/S Beardsworth was accompanied to the meetings by: Dennis Sequeira, Director, Europe & Multilateral Affairs, DHS Office of International Affairs; Erik Shoberg, Policy Advisor, DHS Office of Customs and Border Protection; Jill Drury, Policy Advisor and TSA liaison to Brussels; and Executive Assistant David von Damm. Deirdre Mahon, DHS Representative, Embassy Paris;

Nouri Larbi, TSA Representative, Embassy Paris; and Mark Motley, Embassy Paris, (notetaker) also participated.

[1](#)19. (U) This message has been cleared by U/S Beardsworth.
STAPLETON